

Serial No.: 09/639,383  
Amdt. dated 03 May 2006  
Reply to Office Action of 09 Feb. 2006

### **REMARKS**

As noted previously, the Applicant appreciates the Examiner's thorough examination of the subject application.

Claims 1-10 are pending in this application. Claims 1-10 were rejected in the Office Action mailed 09 February 2006, as described below. Claim 9 has been amended to correct minor typographical issues.

Applicant requests reconsideration and further examination of the subject application in view of the preceding amendments and following remarks.

#### ***Claim Rejections – Double Patenting***

Concerning items 1-2 of the Office Action, claims 1-10 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 6,104,349 to Cohen, which is commonly owned by the Applicant.

A Terminal Disclaimer under 37 C.F.R. § 1.321(c) that identifies U.S. Patent No. 6,104,349 is filed with this paper for the subject application. Consequently, the rejection of claims 1-10 has been rendered moot.

#### ***Conclusion***

In view of the amendments and remarks submitted herein, and the Terminal Disclaimer under 37 C.F.R. § 1.321(c) submitted with this paper, Applicant respectfully submits that all of the claims now pending in the subject application are in condition for allowance. Accordingly, Applicant requests that the Examiner issue a timely Notice of Allowance for the application.

If a telephone conference will expedite prosecution of the application, the Examiner is invited to telephone the undersigned.

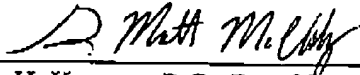
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No fee is believed to be due for the submittal of this paper.

If any fees are required for the prosecution of the subject application, authorization is hereby given to charge our deposit account, no. 50-1133, for any required fee(s).

Respectfully submitted,  
Mc DERMOTT WILL & EMERY LLP

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Toby H. Kusmer, P.C., Reg. No. 26,418  
G. Matthew McCloskey, Reg. No. 47,025  
Attorneys for Applicants  
28 State Street  
Boston, MA 02109-1775  
Telephone: (617) 535-4000  
Facsimile: (617) 535-3800